

REVISED COMPLIANCE AND ENFORCEMENT POLICY

Head of Service:	Rod Brown, Head of Housing & Community
Report Author	Oliver Nelson
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1: Draft revised Compliance and Enforcement policy

Summary

The Committee is asked to note the outcome of the consultation and to consider the adoption of a revised compliance and enforcement policy.

Recommendation (s)

The Committee is asked to:

- (1) **Agree to adopt the revised Compliance and Enforcement policy as set out in Appendix 1.**
- (2) **Agree to nominate and authorise the Head of Housing and Community to make any future amendments of an administrative nature (updates to legislation, role changes, constitutional changes)**

1 Reason for Recommendation

- 1.1 The existing enforcement policy dates from 2014 and was adopted by the then Social Committee.
- 1.2 The existing policy can be located on the [council's website](#).
- 1.3 Owing to the passage of time, the policy requires changes to update generally and to enhance its robustness. An opportunity has also been taken to rename the policy "Compliance and Enforcement Policy" to reflect the fact that enforcement can take many forms ranging from a verbal instruction to a formal prohibition or injunction.

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- 1.4 It is necessary to have a robust policy as it is commonly relied upon during litigation and to aid Officer's justification in taking particular courses of action. In this respect it can become critical during appeals hearings and external scrutiny such as matters considered by the Local Government and Social Care Ombudsman.

2 Background

- 2.1 At its meeting of 28 January 2025, this committee agreed to authorise a consultation based on a revised draft document with likely stakeholders. This consultation was non statutory but it is considered best practice to consult with representatives of those who may be affected by the policy in the future.
- 2.2 Pursuant to that decision, a consultation ran between 17 February and 9 March 2025 publicised through social media, a conventional media release and through having contacted the Epsom Business Improvement District to share with their members.
- 2.3 This consultation did not attract any comments, perhaps reflecting the shorter timeframe and lower level of interest involved with this subject matter relative to the recent consultations such as, for example, the Local Plan. Consequently, the draft policy appended to this report is unchanged from the version presented on 28th January.

3 Risk Assessment

Legal or other duties

3.1 Equality Impact Assessment

- 3.1.1 Different services undertaking enforcement and compliance work have very different customer demographics licence holders many of whom are sole traders. This is likely to differ across services dependent upon the area covered. Nothing in the draft policy introduces new elements which might disproportionately affect any of the protected characteristics. Regulatory and enforcement activity is intended to be non-discriminatory and applies to all persons and businesses. There is no evidence to suggest that as part of these activities there is inadvertent discrimination.

3.2 Crime & Disorder

- 3.2.1 A carefully balanced compliance and enforcement policy will have a positive effect on crime and disorder including supporting the victims of antisocial behaviour.

3.3 Safeguarding

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3.3.1 No specific safeguarding impact. However it is important to note that officers working in the service areas affected will commonly be the first to encounter safeguarding issues in the community and are trained to recognise and report them.

3.4 Dependencies

3.4.1 None identified

4 Financial Implications

4.1 It is assumed that all enforcement undertaken within the remit of this revised policy will be delivered within existing service budgets.

4.2 **Section 151 Officer's comments:** The revised Compliance and Enforcement Policy currently has no direct financial impact. However, it is essential to monitor the policy closely to ensure that any potential future financial implications are identified and addressed promptly. Continuous evaluation will help us understand the policy's effectiveness and any associated costs, allowing for timely adjustments and resource allocation as needed.

5 Legal Implications

5.1 As a cross cutting issue covering all of the Council's policy committees, it is consistent with the Council's Constitution (Appendix 3) that this committee make policy in this area.

5.2 A clear and robust policy is necessary to continue to undertake successful compliance and enforcement activities.

5.3 An important legal principle to be avoided is fettering discretion through an absolute blanket approach which takes no account of individual circumstances. Likewise, where the policy is departed from it would be expected that a record be made of this and justifications set out in a note attached to the case file.

5.4 **Legal Officer's comments:** None arising from the content of this report.

6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities:** The following Key Priorities are engaged:

- Safe and Well
- Opportunity and Prosperity
- Green and Vibrant
- Effective Council

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- 6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.
- 6.3 **Climate & Environmental Impact of recommendations:** None
- 6.4 **Sustainability Policy & Community Safety Implications:** As outlined in the body of this report.
- 6.5 **Partnerships:** None. Whilst it is common to work with partners in compliance and enforcement matters, the contents of this report are in reference to the options available to Epsom & Ewell Borough Council only.
- 6.6 **Local Government Reorganisation Implications:** The policy applies to the activities of Epsom & Ewell Borough Council only. Any future successor authority will need to adopt its own policy which will likely follow similar lines.

7 Background papers

- 7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- Epsom & Ewell Borough Council, Strategy and Resources Committee 28 January 2025.

Other papers:

- Office for Product and Safety Standards The Regulators Code www.gov.uk/government/publications/regulators-code [accessed 16/12/24]